

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

DIRECTV, INC.,)	
)	
Plaintiff)	
)	
v.)	No. 3:03cv0866 AS
)	
JAMES R. MACHOWIAK,)	
)	
Defendant)	
*****)	
DIRECTV, INC.,)	
)	
Plaintiff)	
)	
v.)	No. 3:04cv0373 AS
)	
MICHAEL KAMPF,)	
)	
Defendant)	
*****)	
DIRECTV, INC.,)	
)	
Plaintiff)	
)	
v.)	No. 3:05cv0670 AS
)	
KEVIN HINZ,)	
)	
Defendant)	

MEMORANDUM AND ORDER

Each of these cases has something in common. First, Directv, Inc. is the plaintiff and in each case represented by the same law firm.. Secondly, each of these cases has been the subject of a Report and Recommendation by United States Magistrate Judge Christopher A.

Nuechterlein who has obviously worked very hard to try to legitimately and conscientiously move this difficult array of cases to an appropriate conclusion.

This court is extremely sympathetic with the actions of the United States magistrate judge in these cases and his effort to fulfill a serious obligation established under federal law to move the cases to an appropriate conclusion. Candor requires one to state that the actions of Directv, and this must include counsel for Directv, leaves something to be desired. To be equally frank, the excuses offered by the law firm for Directv appear to be of the tedious variety. However, it appears to this court that on a highly narrow technical basis, these three cases may not be prime candidates for default and dismissal.

Therefore, this court is going to very reluctantly **DENY** the report and recommendation in each case with no disrespect whatsoever to the United States magistrate judge involved. These three cases will be set for trial in the immediate future all on the same day in Lafayette, Indiana. That setting will be forthcoming separately. The able United States magistrate judge is now relieved from further responsibilities in these three cases. They will now be handled directly by the undersigned judge. Such is now the **ORDER** and decision of the court. **IT IS SO ORDERED.**

DATED: March 7, 2007

S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT